

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

SUSAN E. BREDTHAUER, et al.,	)	
	)	
Plaintiff,	)	4:10CV3132
	)	
vs.	)	ORDER
	)	
GILBERT G. LUNDSTROM, et al.,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
RONALD A. LAIRD, et al.,	)	
	)	
Plaintiff,	)	4:10CV3139
	)	
vs.	)	ORDER
	)	
GILBERT G. LUNDSTROM, et al.,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
SUSAN BARKER, et al.,	)	
	)	
Plaintiff,	)	8:10CV326
	)	
vs.	)	ORDER
	)	
SAMUEL P. BAIRD, et al.,	)	
	)	
Defendants.	)	

This matter is before the court upon the notice of the death of one of the defendants, Joyce Person Pocras. **See** [Filing No. 172](#), in case 4:10CV3132. In accordance with [Federal Rule of Civil Procedure 25\(a\)\(1\)](#), the plaintiffs have 90 days “after service of a statement noting the death” to move for substitution of the deceased party, if the claim is not automatically extinguished, or the action shall be dismissed against the deceased party. In this case, on June 4, 2012, the counsel for Ms. Pocras filed a

statement notifying the court and counsel of record of Ms. Pocras' death. **See** [Filing No. 172](#), in case 4:10CV3132. Accordingly,

**IT IS ORDERED:**

**On or before September 4, 2012**, the plaintiffs shall file a motion for substitution of parties, if appropriate, in accordance with the provisions of Rule 25, or file a motion to voluntarily dismiss Joyce Person Pocras as a defendant in this action, in accordance with Rule 41(a). If the plaintiffs fail to comply with this order the defendant Joyce Person Pocras may be dismissed as a party, without further notice, pursuant to Rule 41(b).

DATED this 4th day of June, 2012.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge